

Serial No. 10/695,439
Docket No. T36-159872M/KOH

5

REMARKS

Entry of this response is proper under 37 CFR §1.116, since there are no new claims or issues raised herein, and the only claim amendment rewrites claim 30 in independent format by adding it to independent claim 26.

Claims 1, 3, 5-9, 11, 12, 25-29, and 31-34 are pending in this application. Claims 2, 4, 8, 10, and 12-24 and 30 are canceled. Claims 1, 3, 5-7, 9, 11, 12, 25, 33, and 34 are allowed.

It is noted that the claim amendments, if any, are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicants gratefully acknowledge the Examiner's indication that claim 30 would be allowable if rewritten in independent format, and has accordingly rewritten this claim in independent format by incorporating it into claim 26.

With respect to the prior art rejections, claims 26-29, 31, and 32 stand rejected under 35 U.S.C. § 102(b) as anticipated by Ota, et al. (JP 04-085972).

Although Applicants respectfully continue to disagree with the Examiner, Applicants have decided to expedite prosecution by incorporating allowable claim 30 into claim 26, thereby rendering this rejection moot. That is, contrary to the Examiner's characterization in the rejection of record, the USPTO-provided translation clearly describes the formation of the electrode 7 as using 900-1000 deg C for its formation. The reference to the lower temperature 400 deg C is for the wire bonding pad 14, not the p-type SiC electrode 7. Moreover, there is no demonstration in this description that the mixture results in an eutectic reaction.

In view of the foregoing, Applicants submit that claims 1, 3, 5-9, 11, 12 and 25-29, and 31-34, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed

Serial No. 10/695,439
Docket No. T36-159872M/KOH

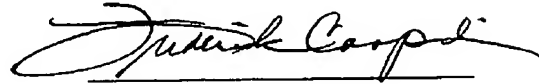
6

below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 3/12/09



Frederick E. Cooperrider
Registration No. 36,769

Sean M. McGinn, Esq.
Registration No. 34,386

**MCGINN INTELLECTUAL PROPERTY
LAW GROUP, PLLC**
8321 Old Courthouse Road, Suite 200
Vienna, Virginia 22182-3817 (703) 761-4100
Customer No. 21254

CERTIFICATION OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 this Amendment under 37 CFR §1.116 to Examiner H. Weiss on March 12, 2009.



Frederick E. Cooperrider
Reg. No. 36,769